

*AAC*

said at least one explorer bar being registered with the Web browser as a band object, said at least one explorer bar allowing user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane.

21. (New) A computer-readable medium having computer-executable components comprising:

- a) a radio server component for playing a radio source of streaming media irrespective of content being displayed in a simultaneously used Web browser;
- b) an interfacing component for communicating with the radio server component; and
- c) at least one radio client component communicating through the interfacing component in order to provide instructions to the radio server component regarding the radio source of streaming media.

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#### REMARKS

The Office Action of September 25, 2002 has been carefully reviewed, and these remarks are responsive thereto. Applicant respectfully requests reconsideration and allowance of the instant application.

Claims 1- 21 are pending in this application.

Through this Amendment, minor editorial changes are made to the specification and certain claims. New claims 18 and 19 are based on original claims 1 and 13, respectively, but these new claims additionally recite that the radio toolbar displays at least one radio-toolbar button capable of controlling the first source of streaming media irrespective of the Web page content being browsed. New claim 20 is based on original claim 14, but it further recites that the explorer bar allows user input regarding the first source of streaming media irrespective of the Web page content present in the browser pane. New claim 21 is based on original claim 15, but this new claim further recites that the radio server component can play a radio source of streaming media irrespective of content being displayed in a simultaneously used Web browser. Support for these additional features of claims 18-21 can be found in the original specification, for example, at page 4, lines 1-6. No new matter is included in this Amendment.

As authorized in the separately filed Fee Transmittal Letter, the fee for these four additional independent claims can be charged to Deposit Account No. 19-0733.

### I. Drawing Objection

The Examiner objected to the drawings for failing to include reference number 61, which was designated in the specification as a “storage device” (see the original specification at page 10, line 18). Upon reviewing the specification, Applicants have determined that reference number 61 is unnecessary (reference number 50 of Fig. 1 illustrates a storage device). Accordingly, rather than amend the drawings, Applicant has amended the specification to delete reference numeral 61. This change to the specification overcomes the drawing objection and renders it moot. Withdrawal of this objection is respectfully requested.

### II. Formal Objection to Claim 10

Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph, as failing to provide sufficient antecedent basis for a claim element. By this Amendment, Applicant amends claim 10 to depend from claim 6, thereby providing antecedent basis for the term “said at least one second source of streaming media.” Withdrawal of this rejection is respectfully requested.

### III. Rejections Based On 35 U.S.C. §§ 102 And/Or 103

Claims 1, 14, 15, and 17 stand rejected under 35 U.S.C. § 102(a) as being clearly anticipated by the RealPlayer G2™ reference (hereinafter “RealPlayer”). Claims 2-13 are rejected under 35 U.S.C. § 103(a) based on this RealPlayer reference and alleged “Admitted Prior Art.” Claim 16 is rejected under 35 U.S.C. § 103(a) based on this RealPlayer reference in combination with Glaser et al., U.S. Patent No. 6,151,634. Applicant respectfully traverses these rejections and requests their reconsideration.

Applicant respectfully submits that the Examiner has not demonstrated that the asserted RealPlayer reference or the asserted and relied upon features of the RealPlayer system are prior art to the present claimed invention. The only date information for the RealPlayer reference provided by the Examiner consists of the copyright notice in “Screenshot 1” (“Copyright (c) 1995-1998”). The remaining “screenshots” contain no date or copyright information.

The year in a copyright notice typically corresponds to the year of first publication of the work. See 17 U.S.C. §401(b). Software updates may be provided to users, however, without changing the copyright notice. Notably, all of the cited “screenshots” invite the user to “upgrade” the software. Accordingly, the copyright notice in Screenshot 1 provides no evidence that the information and content in Screenshots 2-5 were published and available before the present application’s filing date. Therefore, there is no evidence to indicate that the undated screenshots and/or the features of the RealPlayer system allegedly displayed in these undated screenshots are prior art to the present application.

Quite to the contrary, the evidence clearly indicates that the content and information available in Snapshots 2-5 is not prior art to the present application (filed October 1, 1999). Notably, Screenshots 2-5 invite the user to “Find out what’s new in RealPlayer 8.” RealNetworks did not launch RealPlayer 8 until 2000, well after this application was filed. As evidence of this fact, Applicant submits herewith Exhibit 1, a November 8, 1999 Press Release from RealNetworks, which discusses the first beta release of RealPlayer 7. This press release indicates that RealPlayer 7 was first available in or about November 1999, after the present application was filed. Additionally, RealNetworks’ May 2, 2000 Press Release (Exhibit 2) further confirms that, at that time, RealPlayer 7 was “the newest version of the player.” The date of this press release is several months after the present application was filed.

Exhibit 3, a RealNetworks’ press release dated May 22, 2000, describes the inclusion of RealPlayer 8 in a newly launched product called “Real Entertainment Center.” RealPlayer 8 is described in this press release (page 2) as the “latest version of the award-winning streaming media player.”

Accordingly, this evidence demonstrates that RealPlayer 8 was first available, at best, in or about May 2000, more than six months after the present application was filed. Additionally, the evidence clearly demonstrates that RealPlayer 7 was first launched in or about November 1999, more than one month after the present application was filed. Because Screenshots 2-5 of the RealPlayer reference relied upon by the Examiner clearly identify RealPlayer 8, these screenshots describe products and systems available after Applicant’s October 1, 1999 filing date. Accordingly, Applicant respectfully submits that the RealPlayer reference relied upon by the Examiner does not constitute prior art against the present application.

Because all of the Examiner's rejections rely on the RealPlayer reference as the primary reference, all of these rejections cannot stand because this RealPlayer reference is not prior art to the present application. Withdrawal of the rejections on this basis is respectfully requested.

#### IV. New Claims 18-21 Patentably Distinguish From The Cited Art

Applicant respectfully submits that the cited art of record does not teach or suggest the subject matter of new claims 18-21. Allowance of these claims is earnestly solicited.

#### V. Conclusion

A separate Fee Transmittal Form is filed herewith. If any additional fees are required to allow full entry and consideration of this Amendment, or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

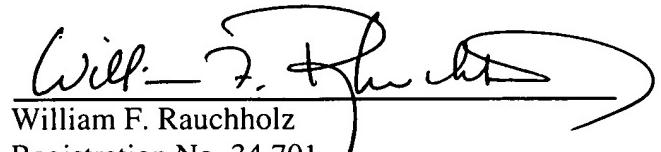
All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

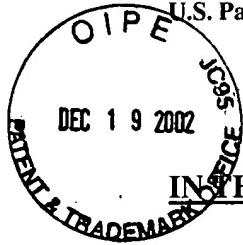
Dated: December 19, 2002

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**MARKED-UP VERSION OF AMENDMENTS MADE****IN THE SPECIFICATION:**

- (1) Please amend the paragraph beginning at page 10, line 14 as follows:

The personal computer 20 may operate in a networked environment using logical connections to one or more remote computers, such as remote computer 49. Each remote computer 49 may be another personal computer, a server, a router, a network PC, a peer device or other common network node, and typically includes many or all of the elements described above relative to the personal computer 20, although only a memory storage device 50 [or 61] has been illustrated in FIGURE 1. The logical connections depicted in FIGURE 1 include a local area network (LAN) 51 and a wide area network (WAN) [52,] 52. Such networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet. As depicted in FIGURE 1, the remote computer 49 communicates with the personal computer 20 via the local area network 51. The remote computer 49 also communicates with the personal computer 20 via the wide area network 52.

- (2) Please amend the paragraph beginning at page 15, line 3 as follows:

With respect to the status icon 212, the icon 212 represents to the user the status of the Internet connection to the streaming-media source. If the user is connected to a streaming source that is currently playing on the computer 20, the displayed icon is the meta default icon. This is shown as icon 212 in FIGURES 2B-E and 5. If the user is not connected to a streaming source or if the source is stopped (*i.e.* not playing), then no icon is displayed as illustrated by FIGURE 2A. Persons of skill in the art will understand that a computer goes through a number of states when attempting to connect to a streaming-media source, namely: buffering, opening and connecting. The status icon 212 represents the state of this with its progressing circle. As buffering continues, the circle builds from no circle at all to a complete circle. Once the circle has been completed, the process repeats itself until a connection is made or an error occurs. The functionality of the status icon 212 can also be incorporated into the icon 400 for the status bar 402 in the Web browser 300.

**MARKED-UP VERSION OF AMENDMENTS MADE**

(3) Please amend the paragraph beginning at page 17, line 14 as follows:

More particularly, the radio client(s) 902, 904, 906 and server 900 interact as follows. Whenever an instance of a Web browser 300 is launched S1200, a radio client is created S1202. The newly created client [900,] 902, 904, 906 accesses the system ROT (running object table) in order to determine if the server 900 is already running S1204. If the server 900 was not previously created, then the radio client creates an instance of the server S1206. The first instantiated radio client preferably creates the radio server 900 as a multi-threaded object in the same process as the Windows shell. The server 900 creates a new thread for its helper objects on which the server relies for its system needs such as connecting to the network and playing the streaming media. The new thread is created for stability reasons. The server 900 then proceeds to use the ROT to register itself S1208.

**IN THE CLAIMS:**

Please amend claims 2 and 10-13 as follows:

2. (Amended) The computer system of claim 1 wherein the radio toolbar contains:
  - a) a play button for instructing the Web browser to play the first source of streaming media;
  - b) a mute button for instructing the Web browser to silence the first source of streaming media; and
  - c) a volume slider for controlling [the] a volume of the first source of streaming media played over the speaker.

10. (Amended) The computer system of claim [5] 6 wherein said at least one second source of streaming media is a second Web page with at least one streaming-media hyperlink to at least one third source of streaming [media;] media.

11. (Amended) The computer system of claim [9] 5 wherein said at least one explorer bar is a vertical explorer bar.

12. (Amended) The computer system of claim [9] 5 wherein said at least one explorer bar is a horizontal explorer bar.

**MARKED-UP VERSION OF AMENDMENTS MADE**

13. (Amended) In a computer system having a display device for rendering a graphical user interface of a Web browser displaying a Web page in a browser pane and having at least one speaker for playing a first source of streaming media, said graphical user interface comprising:

- a) a radio toolbar displaying a plurality of radio-toolbar buttons for controlling said first source of streaming media, said plurality of radio-toolbar buttons including:
  - i) a play button for instructing the Web browser to play the first source of streaming media;
  - ii) a mute button for instructing the Web browser to silence the first source of streaming media;
  - iii) a volume slider for controlling [the] a volume of the first source of streaming media played over the speaker;
  - iv) a radio-stations button allowing user selection of the first source of streaming media; and
  - v) an information area displaying information about the first source of streaming media;
- b) at least one explorer bar for providing a display area adjacent to the browser pane, said at least one explorer bar capable of displaying information and allowing user interaction;
- c) a menu bar for allowing user control of the Web browser and the Web page, the menu bar including a plurality of menu entries selected from the group consisting of: File, Edit, View, Favorites, Tools and Help;
- d) a [standard-button] navigation toolbar that allows user navigation of the Web page, the navigation toolbar including a plurality of navigation-toolbar buttons selected from the group consisting of: Back, Forward, Stop, Refresh, Home, Search, History, Print, Mail and Edit;
- e) an address bar identifying an address for the Web page being displayed by the Web browser in the browser pane; and
- f) a status bar showing a current status for the Web page.